

803 N. Milpas Street (MST2006-00510)

MITIGATION MONITORING AND REPORTING PROGRAM

PROJECT LOCATION

803 North Milpas Street

PROJECT DESCRIPTION

The project involves the redevelopment of a vacant 21,756 square foot lot located at the northwest corner of Milpas and De la Guerra Streets. The project consists of a mixed use development containing five mixed use residential/commercial condominiums, one live/work unit, two residential units and one commercial condominium. The development would be split among three buildings totaling 19,886 net square feet. The overall height of the proposed development would be between 37 feet and 38 feet, 6 inches. Parking would be located within eight two-car garages and on the interior of the lot for a total of 26 parking spaces. Access to the garages and parking lot would be via a driveway from East De la Guerra Street, located between two of the buildings. Pedestrian access to the site would also be provided from North Milpas Street. A landscaped area would be provided in the northwest corner of the site, behind the open parking.

PURPOSE

The purpose of the **803 N. Milpas Street** Mitigation Monitoring and Reporting Program (MMRP) is to ensure compliance with all mitigation measures identified in the Initial Study to mitigate or avoid potentially significant adverse environmental impacts resulting from the proposed project. The implementation of this MMRP shall be accomplished by City staff and the project developer's consultants and representatives. The program shall apply to the following phases of the project:

- Plan and specification preparation
- Pre-construction conference
- Construction of the site improvements
- Post Construction

I. RESPONSIBILITIES AND DUTIES

A qualified representative of the developer, approved by the City Planning Division and paid for by the developer, shall be designated as the Project Environmental Coordinator (PEC). The PEC shall be responsible for assuring full compliance with the provisions of this mitigation monitoring and reporting program to the City. The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in this program.

It is the responsibility of the contractor to comply with all mitigation measures listed in the attached MMRP matrix. Any problems or concerns between monitors and construction personnel shall be addressed by the PEC and the contractor. The contractor shall prepare a construction schedule subject to the review and approval of the PEC. The contractor shall inform the PEC of any major revisions to the construction schedule at least 48 hours in advance. The PEC and contractor shall meet on a weekly basis in order to assess compliance and review future construction activities.

A. PRE-CONSTRUCTION BRIEFING

The PEC shall prepare a pre-construction project briefing report. The report shall include a list of all mitigation measures and a plot plan delineating all sensitive areas to be avoided. This report shall be provided to all construction personnel.

The pre-construction briefing shall be conducted by the PEC. The briefing shall be attended by the PEC, construction manager, necessary consultants, Planning Division Case Planner, Public Works representative and all contractors and subcontractors associated with the project. Multiple pre-construction briefings shall be conducted as the work progresses and a change in contractor occurs.

The MMRP shall be presented to those in attendance. The briefing presentation shall include project background, the purpose of the MMRP, duties and responsibilities of each participant, communication procedures, monitoring criteria, compliance criteria, filling out of reports, and duties and responsibilities of the PEC and project consultants.

It shall be emphasized at this briefing that the PEC and project consultants have the authority to stop construction and redirect construction equipment in order to comply with all mitigation measures.

Once construction commences, field meetings between the PEC and project consultants, and contractors shall be held on an as-needed basis in order to create feasible mitigation measures for unanticipated impacts, assess potential effects, and resolve conflicts.

II. IMPLEMENTATION PROCEDURES

There are three types of activities which require monitoring. The first type pertains to the review of the Conditions of Approval and Construction Plans and Specifications. The second type relates to construction activities and the third to ongoing monitoring activities during operation of the project.

A. MONITORING PROCEDURES

The PEC and required consultant(s) shall monitor all field activities. The authority and responsibilities of the PEC and consultant(s) are described in the previous section.

B. REPORTING PROCEDURES

The following three (3) types of reports shall be prepared:

1. Schedule

The PEC and contractor shall prepare a monthly construction schedule to be submitted to the City prior to or at the pre-construction briefing.

2. General Progress Reports

The PEC shall be responsible for preparing written progress reports submitted to the City. These reports would be expected on a weekly basis during grading, excavation and construction, activities. The reports would document field activities and compliance with project mitigation measures, such as dust control and sound reduction construction.

3. Final Report

A final report shall be submitted to the Planning Division when all monitoring (other than long term operational) has been completed and shall include the following:

- a. A brief summary of all monitoring activities.
- b. The date(s) the monitoring occurred.
- c. An identification of any violations and the manner in which they were dealt with.
- d. Any technical reports required, such as noise measurements.
- e. A list of all project mitigation monitors.

C. MMRP MATRIX

The following MMRP Matrix describes each initial study mitigation measure, monitoring activities and the responsibilities of the various parties, along with the timing and frequency of monitoring and reporting activities. For complete language of each condition, the matrix should be used in conjunction with the mitigation measures described in full in the Initial Study.

The MMRP Matrix is intended to be used by all parties involved in monitoring the project mitigation measures, as well as project contractors and others working in the field. The Matrix should be used as a compliance checklist to aid in compliance verification and monitoring requirements. A copy of the MMRP matrix shall be kept in the project file as verification that compliance with all mitigation measures has occurred.

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MITIGATION MEASURE	PARTY RESPONSIBLE FOR IMPLEMENTATION	VERIFICATION		
		DATE	ACCOMPLISHED	COMMENTS
Required Mitigation				
BIO -1 Nest Protection. Proposed project activities including tree and vegetation removal shall occur outside the breeding bird season (February 1 – August 15). If project activities cannot be feasibly avoided during the bird nesting season the project proponent shall conduct a survey prior to construction, using a qualified biologist, approved by the City Environmental Analyst, to detect protected nesting native birds in the vegetation and trees being trimmed and within 300 feet of the construction work area. The survey shall be conducted no more than three days before construction is initiated. If an active nest is located, construction within 500 feet of a raptor nest and 300 feet of any other nesting bird, vegetation trimming shall be postponed until the nest is vacated and juveniles have fledged and this has been confirmed by the qualified biologist.	PEC			
N-1 Deck Front / Open Yard Construction. For all residential outdoor activity spaces (decks, balconies, or open yard areas) facing Milpas Street and De la Guerra Street, the following construction specifications are required such that exterior noise levels are reduced to less than 60 dBA: Proposed outdoor balconies or decks require a vertical, solid wall three feet high with reference to finish floor elevation, with no openings or gaps facing the noise	Applicant			

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<p>source. The deck wall facing the noise source shall have a minimum ¾-inch solid thickness, sealed with non-hardening acoustical sealant at all edges, seams and construction joints. However, if glazing is used for this wall, the glazing shall be minimum ½-inch thick laminated glass (three unequal layers: ¼", 0.060 innerlayer, 3/16"). Floor drains facing the noise source shall have a 90 degree bend incorporated in their design, with one opening facing away from the transportation noise source.</p>				
<p>N-2 Construction for East and South-Facing Elevations. The following construction specification are required in order to result in an acoustical performance of less than 45 dBA Ldn interior residential noise level along the east and south elevations, where construction assemblies face the transportation noise source. Noise mitigation may fail to perform if each and every following recommendation is not followed. A small crack or air leak in the construction may completely compromise all other sound-proofing.</p> <p>a. Vents and roof penetrations: Soffit vents, eave vents, dormer vents and other wall and roof penetrations shall be located on the walls and roofs facing away from the noise source (located on the north and west elevation) wherever possible. If kitchens or bathrooms are located on the east or south side, remote venting to other elevations is required. If vents are required to be located facing the noise source, a 90 degree bend shall be incorporated in the design</p>	Applicant			

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<p>of the ductwork or vent opening.</p> <p>b. Walls: Only the east- and south-facing exterior walls closest to the transportation noise sources require mitigation. The wall enclosing habitable spaces nearest the noise source shall be constructed with an S.T.C. (Sound Transmission Class) rating of 30 or greater. For instance, stucco exterior or fiber-cement panel siding, with 30 pound felt on 5/8" sheathing, on 2" x 6" stud walls with R-21 fiber glass batt insulation, a 1/2" layer of interior sound deadening board (Homasote 440 Sound Barrier or equivalent), and a layer of 5/8" Type X Gypsum Board will provide an S.T.C. rating of 30 or greater. Construction of the east and south-facing walls must include the liberal use of non-hardening acoustical sealant at all construction joints, including the header and footer construction and the edges and corners of gypsum board intersecting ceiling, walls and floor, especially behind papered joints. Apply Homasote 440 Sound Barrier directly to the interior side of conventional 2" x 6" framing, 16" on center using 5d adhesive coated nails. Space nails 3/8" from edges, 6" apart around panel edges and 12" apart on each stud in panel field. Countersink all nails at least 1/16" below surface. Provide a gap of 1/8" between abutting edges, 1/4" between floor and ceiling. Using a good grade drywall laminating compound and a notched trowel, apply a 6" wide strip down the vertical center of 5/8" thick Type X Gypsum Board and a 6" wide</p>				

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<p>strip down each side, 2" away from edges. Apply the compound coated Gypsum Board directly to the 440 Sound Barrier. Avoid coinciding butt joints of Gypsum with 440 Sound Barrier joints. Secure Gypsum with double headed nails, or bracing, until laminating compound sets. Apply resilient acoustical sealant (Johns Manville or equivalent) to gaps at intersecting walls, ceiling and floor before taping and spackling Gypsum Board in conventional manner. Seal all peripheries and apertures and joints around windows.</p> <p>c. Acoustic Leaks: Common acoustic leaks, such as electrical outlets, pipes, vents, ducts, flues and other breaks in the integrity of the wall, ceiling or roof insulation and construction on the east and south sides of the dwelling units nearest transportation noise source shall receive special attention during construction. All construction openings and joints through the gypsum board on east- and south-facing walls shall be insulated, sealed and caulked with expanding foam and a resilient, non-hardening caulking material, as appropriate. All such openings and joints shall be airtight to maintain sound isolation.</p> <p>d. Windows: To meet the interior 45 dB(A) Ldn requirements, windows for habitable spaces on all floors of affected west elevation facing the noise source shall be of double-glazed construction with one light of laminated glass,</p>				

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<p>and installed in accordance with the recommendations of the manufacturer. The windows shall be fully gasketed, with an S.T.C. rating of 35 or better, as determined in testing by an accredited acoustical laboratory. An example that meets this requirement is Milgard Quiet Line windows with laminated glass.</p> <p>e. Doors: To meet the interior 45 dB(A) Ldn requirements, doors directly facing the noise source shall be solid core with sound dampening and fully gasketed, sealed jambs and grouted frames, with an overall S.T.C. rating of 35 or better, as determined in testing by an accredited acoustical laboratory.</p>				
<p>N-3 Noise Measurements. Submit a final report from a licensed acoustical engineer, verifying that interior and exterior area noise levels are within acceptable levels for residential and/or commercial uses, as appropriate, as specified in the Noise Element. In the event the noise is not mitigated to acceptable levels, additional mitigation measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the Architectural Board of Review (ABR) if applicable.</p>	Applicant			

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Recommended Mitigation				
A-1	Design Review. Prior to building permit issuance, proposed project grading and landform alteration, structural design, landscaping, and lighting is subject to preliminary and final review and approval by the Architectural Board of Review for consistency with design guidelines for views, visual aesthetics and compatibility, and lighting.	Applicant		
A-2	Lighting. Lighting design shall conform with City Lighting Ordinance requirements, including shielding and direction to the ground to avoid off-site lighting and glare effects, and shall be approved by the Architectural Board of Review.	Applicant		
AQ-1	Construction Dust Control - Watering. During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to achieve minimum soil moisture of 12% to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust. Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting	PEC		

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<p>down such areas every three hours. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.</p>				
<p>AQ-2 Construction Dust Control – Tarping. Trucks transporting fill material to and from the site shall be covered from the point of origin and maintain a freeboard height of 12 inches.</p>	<p>PEC</p>			
<p>AQ-3 Construction Dust Control – Gravel Pads. Gravel pads, 3 inches deep, 25 feet long, 12 feet wide per lane and edged by rock berm or row of stakes or a pipe-grid track out control device shall be installed to reduce mud/dirt track out from unpaved truck exit routes.</p>	<p>PEC</p>			
<p>AQ-4 Construction Dust Control – Minimize Disturbed Area/Speed. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.</p>	<p>PEC</p>			
<p>AQ-5 Construction Dust Control – Disturbed Area Treatment. After clearing, grading, earth moving or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind erosion. This may be accomplished by:</p> <ul style="list-style-type: none"> • Seeding and watering until grass cover is grown; • Spreading soil binders; • Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind; • Other methods approved in advance by the Air 	<p>PEC</p>			

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Pollution Control District.				
AQ-6 Construction Dust Control – Paving. All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.	PEC			
AQ-7 Stockpiling. If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist by applying water at a rate of 1.4 gallons per hour per square yard, or treated with soil binders to prevent dust generation. Apply cover when wind events are declared.	PEC			
AQ-8 Construction Dust Control – Project Environmental Coordinator (PEC). The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when construction work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading for the structure.	PEC			
AQ9 Exhaust Emissions – Engines. Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be used.	PEC			
AQ-10 Engine Size. The engine size of construction	PEC			

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equipment shall be the minimum practical size.				
AQ-11 Equipment Numbers. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.	PEC			
AQ-12 Equipment Maintenance. Construction equipment shall be maintained to meet the manufacturer's specifications.	PEC			
AQ-13 Engine timing. Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines.	PEC			
AQ-14 Catalytic Converters. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.	PEC			
AQ-15 Diesel Catalytic Converters. Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available.	PEC			
AQ-16 Diesel Replacements. Diesel powered equipment shall be replaced by electric equipment whenever feasible.	PEC			
AQ-17 Idling Limitation. Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units shall be used whenever	PEC			

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possible.				
AQ-18 Biodiesel. Biodiesel shall be used to the maximum extent feasible.	PEC			
<p>CR-1 Unanticipated Archaeological Resources Contractor Notification. Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.</p> <p>If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in</p>	PEC			

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<p>the area may only proceed after the Environmental Analyst grants authorization.</p> <p>If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.</p>				
<p>H-1 Corrective Action Plan Completion. Written evidence of completion of the work plans contained in the Corrective Action Plan approved by the California Regional Water Quality Control Board and the Santa Barbara County Fire Department shall be provided prior to issuance of any building permits other than those permits necessary to complete the activities in the Corrective Action Plan.</p>	Applicant			
<p>H-2 Vapor Barrier. Due to the potential for migration of contaminants in groundwater from the upgradient site at 800 North Milpas Street, any future building at the subject site shall incorporate a vapor barrier.</p>	Applicant			
<p>N-4 Construction Notice. At least 20 days prior to commencement of construction, the contractor shall provide written notice to all property owners and residents within 450 feet of the project area. The notice shall contain a description of the proposed project, a construction schedule including days and hours of construction, the name and phone number of the Project Environmental Coordinator (PEC) who can answer questions, and provide additional information</p>	Applicant			

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<p>or address problems that may arise during construction. A 24-hour construction hot line shall be provided. Informational signs with the PEC's name and telephone number shall also be posted at the site.</p>				
<p>N-5: Construction Hours. Noise-generating construction activities (which may include preparation for construction work) shall be permitted weekdays between the hours of 8:00 a.m. and 5:00 p.m., excluding holidays observed by the City as legal holidays: New Year's Day (January 1st); Martin Luther King Jr.'s Birthday (3rd Monday in January); President's Day (3rd Monday in February); Memorial Day (Last Monday in May); Independence Day (July 4th); Labor Day (1st Monday in September); Thanksgiving Day (4th Thursday in November); Day Following Thanksgiving Day (Friday following Thanksgiving); Christmas Day (December 25th). *When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday respectively shall be observed as a legal holiday.</p> <p>Occasional night work may be approved for the hours between 5 p.m. and 8 a.m. by the Chief of Building and Zoning per Section 9.13.015 of the Municipal Code) between the hours of 5 p.m. and 8 a.m. weekdays In the event of such night work approval, the applicant shall provide written notice to all property owners and residents within 450 feet of the project property boundary and the City Planning and Building Divisions at least 48 hours prior to commencement of any. Night work shall not be permitted on weekends and holidays.</p>	<p>PEC</p>			
<p>N-6: Construction Equipment Sound Control. All construction equipment, including trucks, shall be professionally maintained and fitted with standard</p>				

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<p>manufacturers' muffler and silencing devices.</p>				
<p>PS-1 Demolition/Construction Materials Recycling. Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.</p>	<p>Applicant</p>			
<p>T-1 Construction Traffic. The haul routes for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Engineer. Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) to help reduce truck traffic and noise on adjacent streets and roadways. The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods.</p>	<p>Applicant</p>			
<p>T-2 Construction Parking. Construction parking and vehicle/equipment/materials storage shall be provided as follows:</p> <p>A. During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the</p>	<p>PEC</p>			

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<p>Transportation and Parking Manager.</p> <p>B. On-site or off-site storage shall be provided for construction materials, equipment, and vehicles. Storage of construction materials within the public right-of-way is prohibited.</p>				
<p>W-1 Drainage and Water Quality. Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Permit. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.</p>	<p>Applicant</p>			
<p>W-2 Construction Best Management Practices (BMPs). Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.</p>	<p>Applicant</p>			